



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 4732-00

15 December 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's Naval Record w/DD Form 214

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that her reenlistment code be changed.

2. The Board, consisting of Mr. Geisler, Ms. McCormick and Ms. Madison reviewed Petitioner's allegations of error and injustice on 12 December 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner enlisted in the Navy on 23 January 1995 for four years at age 18. The record reflects that on 15 December 1995 she was advised of her failure to meet the Navy's body fat standards with a body fat percentage of 35 percent. The Evaluation Report and Counseling Record for the period 16 June

to 15 December 1997 stated that Petitioner failed to meet physical readiness test (PRT) standards for the second time. However, the following day she was advanced to RM3 (E-4).

d. Petitioner had her third official PRT failure on 17 April 1998 due to failure to meet body fat standards. She was subsequently advised that this was her third PRT failure in a four-year period.

e. On 22 April 1998, Petitioner was notified that discharge was being considered by reason of weight control/physical readiness test failure. She was advised of her procedural rights, declined to consult with legal counsel or submit a statement in own behalf, and waived the right to have her case reviewed by the general court-martial convening authority (GCMCA). Thereafter, the commanding officer recommended an honorable discharge by reason of weight control failure. On 20 May 1998, the GCMCA reviewed the case and directed separation by reason of weight control failure. A copy of the DD Form 214 issued is not on file in the record. A copy provided by Petitioner shows she was honorably discharged on 12 July 1998 and assigned an RE-4 reenlistment code.

f. Regulations authorize the assignment of an RE-3T or RE-4 reenlistment code to an individual who is discharged by reason of weight control failure. An RE-3T reenlistment code means the individual failed to meet established weight standards. An RE-4 reenlistment code means an individual is ineligible for reenlistment without prior approval from Commander, Navy Personnel Command.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner was advanced in rate, had no disciplinary actions and, with the exception of her weight problem, maintained an excellent record in more than three years of service. It appears to the Board that she was not recommended for reenlistment at the time of discharge solely because of her weight problem. Accordingly, the Board believes the assignment of an RE-4 reenlistment code was unduly harsh and she should not be denied an opportunity to reenlist at a future date if she can meet Navy weight standards and is qualified in

all other respects. Therefore, the Board concludes that it would be appropriate and just to change her reenlistment code to RE-3T.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 12 July 1998, to RE-3T.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

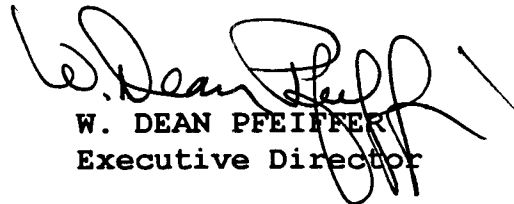
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director